

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6574 of 1986

WITH

SPECIAL CIVIL APPLICATION No.6575 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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HIRUBEN LADHUBHAI

Versus

PORBANDAR MUNICIPALITY

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Appearance:

MR BP TANNA for Petitioner

MR ARUN H MEHTA for Respondent No. 1, 2

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 17/01/98

ORAL JUDGEMENT

1. In similar matters, the High Court has passed orders that the services of the petitioners shall not be terminated by resorting to the device of artificial break. It was further observed that it will be open to the respondent authority to terminate the service if the same can be done in any other lawful manner, but that

should not be treated as a licence for terminating the services.

2. In the cases of these petitioners also, similar direction is required to be given. Hence, rule is made absolute by directing that the petitioners services shall not be terminated by resorting to the device of artificial breaks. However, it would be open to the respondent authority to terminate the services of the petitioners if the same can be done in any other lawful manner and this should not be treated as a licence for terminating the services. Rule absolute accordingly. No costs.

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